

## Introduction to Spending Handbook: Overview

This document provides general guidance on how local educational agencies (LEAs) may spend funds under the Every Student Succeeds Act (ESSA). ESSA is the most recent version of the Elementary and Secondary Education Act (ESEA) which was signed into law on December 10, 2015. The version of ESEA prior to ESSA was most recently known as the No Child Left Behind Act (NCLB).

ESSA went into effect on July 1, 2017. For more information about ESSA, and the transition from NCLB, please see <http://www2.ed.gov/policy/elsec/leg/essa/index.html>.

This spending guidance addresses the following formula programs:

- Title IV, Part A (Student Support and Academic Enrichment)

It is important to note that this handbook only provides an overview of each of these programs' spending rules and options; it does not discuss the many other compliance requirements that apply to each of these programs.

### General Spending Considerations

There are three general issues that affect LEA spending under all of the programs discussed in this handbook.

First, all costs charged to ED grants must be **necessary and reasonable** considering the amount of money being spent and the needs of the program.<sup>1</sup> This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG), which applies to all federal grants including ED grants.<sup>2</sup>

The UGG affects ED grant spending in a number of ways. It:

- Lists costs that may never be paid for with federal funds.<sup>3</sup> For example, federal funds can never pay for alcohol<sup>4</sup> and typically cannot pay for lobbying.<sup>5</sup>
- Lists general criteria all costs supported with federal funds must satisfy.<sup>6</sup> For example, federal funds can only pay for costs that are allocable to the relevant grant.<sup>7</sup>
- Sets additional requirements for certain costs supported with federal funds.<sup>8</sup> For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.<sup>9</sup>

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<sup>1</sup> 2 CFR 200.403(a).

<sup>2</sup> The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations available at [http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl). Federal guidance and other resources about the UGG are available at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

<sup>3</sup> See 2 CFR Part 200, Subpart E.

<sup>4</sup> 2 CFR § 200.423.

<sup>5</sup> 2 CFR § 200.450.

<sup>6</sup> See 2 CFR § 200.403.

<sup>7</sup> 2 CFR § 200.403(a).

<sup>8</sup> See 2 CFR §§ 200.420-200.475.

<sup>9</sup> 2 CFR § 200.430.



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- Sets rules for how LEAs procure goods and services with federal funds,<sup>10</sup> how they track items paid for with federal funds,<sup>11</sup> and the kinds of records they must keep about their grant spending.<sup>12</sup>

Second, activities supported by ED funds must be **consistent with the LEA's application** for funds approved by the SEA.<sup>13</sup>

Third, as discussed throughout this document, some ESSA programs require LEAs to spend on activities that are supported by evidence, are demonstrated to be effective, or that are consistent with a formal needs assessment. Even where this is not required, ED grant spending has the most impact when LEAs spend federal funds on effective activities designed to meet program goals. To do this, LEAs are encouraged to:

- Carefully consider the needs of students, educators, and other relevant stakeholders,
- Determine which activities are most likely to effectively address those needs, and
- Prioritize those activities when deciding what costs to support with ESSA funds (unless those activities are being paid for by other funding sources).

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<sup>10</sup> 2 CFR §§ 200.317-200.326.

<sup>11</sup> 2 CFR §§ 200.313-200.314.

<sup>12</sup> See, for example, 2 CFR § 200.318(h)(i) for procurement records or 2 CFR § 200.302(b)(3) for financial records.

<sup>13</sup> 34 CFR § 76.700.

## Spending Title IV, Part A Funds for Student Support and Academic Enrichment

This section provides information about how local educational agencies (LEAs) can spend funds under the Student Support and Academic Enrichment (SSAE) grant program under Title IV, Part A, Subpart 1.<sup>14</sup>

SSAE is a U.S. Department of Education (ED) grant program that provides supplemental funding to help provide students with a well-rounded education, improve school conditions, and improve the use of technology. ED awards Title IV, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs.

### Purpose of the SSAE Program

The purpose of the SSAE grant program is to improve students' academic achievement by increasing the capacity of states, LEAs, schools, and local communities to:

1. Provide all students with access to a well-rounded education,
2. Improve school conditions for student learning, and
3. Improve the use of technology in order to improve the academic achievement and digital literacy of all students.<sup>15</sup>

### How SSAE Funds May Be Used

#### I. Use of Funds Overview

SSAE can pay for a wide range of activities to support:

- Well-rounded educational opportunities,
- Safe and healthy students, and
- The effective use of technology.

LEA spending options are listed in the section below, but there are several things to consider when deciding which activities to support including:

- LEA needs,
- School needs,

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<sup>14</sup> Title IV of ESSA is divided into different “parts” and “subparts,” each of which contains one or more grant programs. Title IV, Part A, Subpart 1, which is the focus of this handbook, is known as Student Support and Academic Enrichment (SSAE) Grants.

<sup>15</sup> ESSA, Section 4101. For federal non-regulatory guidance on the SSAE program, please see U.S. Department of Education, *Non-Regulatory Guidance: Student Support and Academic Enrichment Grants* (October 2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>. This guidance will be referred to as *ED 2016 SSAE Guidance* for the rest of this document.

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- The LEA's objectives and intended outcomes,
- Stakeholder input, and
- Funding floors and ceilings on certain activities.

### A. Local Needs Assessment

LEAs that receive \$30,000 or more in SSAE funds must, at least once every three years,<sup>16</sup> conduct a comprehensive needs assessment of the following:

- Access to and opportunities for, a well-rounded education for all students,
- School conditions for student learning to create a healthy and safe school environment,
- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.<sup>17</sup>

LEAs that receive less than \$30,000 in SSAE funds do not have to conduct a formal needs assessment,<sup>18</sup> but are encouraged to consider the needs above when deciding how to spend SSAE funds.<sup>19</sup>

### B. Prioritizing High-Need Schools

LEAs must prioritize SSAE funds to schools that:

- Have the greatest needs as determined by the LEA,
- Have the highest percentages or numbers of low-income children,
- Are identified for comprehensive support and improvement under Title I,
- Are implementing targeted support and improvement plans under Title I, or
- Are identified as a persistently dangerous school under Section 8532.<sup>20</sup>

### C. Objectives and Outcomes

LEAs must develop objectives for their SSAE programs and intended outcomes for SSAE-funded activities.<sup>21</sup> LEAs must use these objectives and outcomes to periodically evaluate the effectiveness of SSAE-funded activities.<sup>22</sup> LEAs must also provide SEAs with information about their progress towards their objectives and outcomes so SEAs can satisfy their reporting requirements.<sup>23</sup>

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<sup>16</sup> ESSA, Section 4106(d)(3).

<sup>17</sup> ESSA, Section 4106(d).

<sup>18</sup> ESSA, Section 4106(d)(2).

<sup>19</sup> *ED 2016 SSAE Guidance*, p. 16 at footnote 14.

<sup>20</sup> ESSA, Section 4106(e)(2)(A). ESSA requires LEAs to prioritize the distribution of funds to high-need schools. ED's SSAE guidance clarifies that an LEA can provide district-wide services with SSAE funds, but must prioritize activities for high-need schools (pp.14-15).

<sup>21</sup> ESSA, Section 4106(e)(1)(E).

<sup>22</sup> ESSA, Section 4106(e)(1)(E).

<sup>23</sup> ESSA, Section 4104(a)(2); see also ESSA, Section 4106(e)(2)(F).

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### D. Stakeholder Engagement

LEAs must meaningfully consult with a wide array of stakeholders when designing their SSAE programs.<sup>24</sup> They must also engage in continuing consultation with stakeholders to improve SSAE activities and to coordinate SSAE activities with other activities conducted in the community.<sup>25</sup>

### E. Funding Floors and Ceilings

#### 1. *Required activities*

Under ESSA, LEAs that receive \$30,000 or more in SSAE funds must spend:

- At least twenty percent on activities to support a well-rounded education,
- At least twenty percent to activities to support safe and healthy students, and
- At least some funds for activities to support the effective use of technology.<sup>26</sup> (Please note the cap on technology infrastructure below.)

Please note that a single activity can satisfy more than one category of required costs.<sup>27</sup>

LEAs that receive *less* than \$30,000 in SSAE funds must meet at least one of the above requirements (that is, spend at least twenty on activities to support a well-rounded education or at least twenty percent on activities to support safe and healthy students or at least some funds for activities to support the effective use of technology).<sup>28</sup>

#### 2. *Cap on Technology Infrastructure*

Of the SSAE funds spent on technology, LEAs may not spend more than fifteen percent of those technology funds to purchase technology infrastructure.<sup>29</sup> Specifically, this means that LEAs may not spend more than fifteen percent of its SSAE technology funds on devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases.<sup>30</sup>

#### 3. *Cap on Administrative Costs*

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<sup>24</sup> Stakeholders include parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet SSAE purposes. Section 4106(c)(1).

<sup>25</sup> ESSA, Section 4106(c)(2).

<sup>26</sup> ESSA, Section 4106(e)(2)(C)-(E).

<sup>27</sup> *ED 2016 SSAE Guidance*, p. 13.

<sup>28</sup> ESSA, Section 4106(f).

<sup>29</sup> ESSA, Section 4109(b).

<sup>30</sup> *ED 2016 SSAE Guidance*, p. 32.

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LEAs may not spend more than two percent of their SSAE funds on direct administrative costs.<sup>31</sup>

### II. Local SSAE Spending Options

What follows is an overview of all LEA SSAE spending options under the law, but spending in a specific LEA should be aligned to the spending floors and ceilings, the LEA's needs assessment (where required), and stakeholder input as described above. The spending options are organized by the three spending categories described in the law.

#### Activities to Support a Well-Rounded Education

LEAs may (and in some cases must<sup>32</sup>) spend SSAE funds to develop and implement programs and activities that support access to a well-rounded education.<sup>33</sup> Activities should be coordinated with other schools and community-based services and programs.<sup>34</sup> They can also be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success.<sup>35</sup>

Allowable activities are listed below.<sup>36</sup>

#### A. College and Career Guidance

LEAs may use SSAE funds for college and career guidance and counseling programs like postsecondary education and career awareness and exploration activities, training counselors to effectively use labor market information in assisting students with postsecondary education and career planning, and financial literacy and Federal financial aid awareness activities.<sup>37</sup>

#### B. Music and Arts to Support Student Success

LEAs may use SSAE funds for programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution.<sup>38</sup>

#### C. Science, Technology, Engineering, and Mathematics (STEM)

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<sup>31</sup> ESSA, Section 4105(c).

<sup>32</sup> LEAs that receive \$30,000 or more in SSAE funds must spend at least twenty percent of funds on activities to support a well-rounded education. Section 4106(e)(2)(C).

<sup>33</sup> ESSA, Section 4107(a).

<sup>34</sup> ESSA, Section 4107(a)(1).

<sup>35</sup> ESSA, Section 4107(a)(2).

<sup>36</sup> For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 39-43.

<sup>37</sup> ESSA, Section 4107(a)(3)(A).

<sup>38</sup> ESSA, Section 4107(a)(3)(B).

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LEAs may use SSAE funds for programs and activities to improve instruction and student engagement in STEM, including computer science.<sup>39</sup> Examples include:

- Increasing access to high-quality courses for underrepresented student groups such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students,
- Supporting low-income students to participate in nonprofit competitions related to STEM subjects,
- Providing hands-on learning and exposure to STEM and supporting the use of field-based or service learning to enhance student understanding,
- Supporting the creation and enhancement of STEM-focused specialty school,
- Facilitating collaboration among school, afterschool program, and informal program personnel to improve the integration of programming and instruction, and
- Integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education.<sup>40</sup>

### D. Accelerated Learning

LEAs may use SSAE funds to raise student academic achievement through accelerated learning programs that provide courses or instruction accepted for credit at institutions of higher education (like dual or concurrent enrollment courses, early college high school courses, AP and IB).<sup>41</sup>

This can include reimbursing low-income students for part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning exams.<sup>42</sup> (Please note LEAs may use SSAE funds to cover fees for exams taken in the 2016-2017 school year.<sup>43</sup>)

It can also include increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses.<sup>44</sup>

### E. Other Instructional Opportunities

LEAs may use SSAE funds for:

- Activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education,<sup>45</sup>
- Foreign language instruction,<sup>46</sup> and

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<sup>39</sup> ESSA, Section 4107(a)(3)(C).

<sup>40</sup> ESSA, Section 4107(a)(3)(C)(i)-(vi).

<sup>41</sup> ESSA, Section 4107(a)(3)(D). See also ESSA, Section 4104(b)(3)(A)(i)(IV).

<sup>42</sup> ESSA, Section 4107(a)(3)(D)(i).

<sup>43</sup> ESSA, Section 4107(b).

<sup>44</sup> ESSA, Section 4107(a)(3)(D)(ii).

<sup>45</sup> ESSA, Section 4107(a)(3)(E).

<sup>46</sup> ESSA, Section 4107(a)(3)(F).

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- Environmental education.<sup>47</sup>

### F. Volunteerism and Community Involvement

LEAs may use SSAE funds for programs and activities that promote volunteerism and community involvement.<sup>48</sup>

### G. Integrating Multiple Disciplines

LEAs may use SSAE funds to support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics.<sup>49</sup>

### H. Other Activities

LEAs may use SSAE for other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.<sup>50</sup>

## Activities to Support Safe and Healthy Students

LEAs may (and in some cases must<sup>51</sup>) use SSAE funds to develop, implement and evaluate comprehensive programs and activities that:

- Are coordinated with other schools and community based services and programs,
- Foster safe, healthy, supportive, and drug-free environments that support academic achievement, and
- Promote parent involvement in activities or programs.<sup>52</sup>

LEAs may conduct activities in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success.<sup>53</sup>

Allowable activities are listed below.<sup>54</sup>

### A. Evidence-Based Drug and Violence Prevention

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<sup>47</sup> ESSA, Section 4107(a)(3)(G).

<sup>48</sup> ESSA, Section 4107(a)(3)(H).

<sup>49</sup> ESSA, Section 4107(a)(3)(I).

<sup>50</sup> ESSA, Section 4107(a)(3)(J).

<sup>51</sup> LEAs that receive \$30,000 or more in SSAE funds must spend at least twenty percent of funds on activities to support safe and healthy students. Section 4106(e)(2)(D).

<sup>52</sup> ESSA, Section 4108(1)-(3).

<sup>53</sup> ESSA, Section 4108(4).

<sup>54</sup> For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 43-45.

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LEAs may spend SSAE funds on drug and violence prevention activities and programs that are evidence-based, to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available.<sup>55</sup>

This can include:

- Programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes, and
- Professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention.<sup>56</sup>

### B. School-Based Mental Health Services

LEAs may use SSAE funds for school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers.<sup>57</sup>

LEAs may also use SSAE funds for school-based mental health services partnership programs that are conducted in partnership with a public or private mental health entity or health care entity, and provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are:

- Based on trauma-informed practices that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available),
- Coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (IDEA), and
- Provided by qualified mental and behavioral health professionals who are certified or licensed by the state and practicing within their area of expertise.<sup>58</sup>

LEAs must obtain prior written consent from the parent of each child under the age of 18 to participate in any mental-health assessment or service funded with SSAE and conducted in connection with school.<sup>59</sup> Before obtaining consent, the LEA must provide the parent with written notice describing in detail:

- The mental health assessment or service,

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<sup>55</sup> ESSA, Section 4108(5)(A).

<sup>56</sup> ESSA, Section 4108(5)(A)(i)-(ii).

<sup>57</sup> ESSA, Section 4108(5)(A)(B)(i).

<sup>58</sup> ESSA, Section 4108(5)(A)(B)(ii).

<sup>59</sup> ESSA, Section 4001(a)(1)(A). Please note informed written consent is not required in an emergency where it is necessary to protect the immediate health and safety of the child, other children, or LEA personnel. Informed written consent is also not required when the LEA actively seeks parental consent but cannot reasonably obtain it, including when a parent does not respond to notice from the LEA, or the child is at least 14 years old and is considered an “unaccompanied youth” under Section 725 of the McKinney Vento Homeless Education Act. Section 4001(a)(2).

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- The purpose for the assessment or service,
- The provider of such assessment or service,
- When the assessment or service will begin, and
- How long such assessment or service may last.<sup>60</sup>

Providing this consent does not waive any rights or protections under Family Educational Rights and Privacy Act (FERPA).<sup>61</sup>

### C. Health and Safety Activities or Programs

LEAs may use SSAE funds for programs or activities that:

- Integrate health and safety practices into school or athletic programs,
- Support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students,
- Help prevent bullying and harassment
- Improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment,
- Provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse,
- Establish or improve school dropout and reentry programs, or
- Establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports.<sup>62</sup>

### D. Addressing Trauma and Violence

LEAs may use SSAE funds for high-quality training for school personnel, including specialized instructional support personnel, related to:

- Suicide prevention,
- Effective and trauma-informed practices in classroom management,
- Crisis management and conflict resolution techniques,

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<sup>60</sup> ESSA, Section 4001(a)(1)(B).

<sup>61</sup> ESSA, Section 4001(a)(1)(C).

<sup>62</sup> ESSA, Section 4108(5)(C).

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- Human trafficking,<sup>63</sup>
- School-based violence prevention strategies,
- Drug abuse prevention, including educating children facing substance abuse at home, and
- Bullying and harassment prevention.<sup>64</sup>

### E. Addressing Sexual Abuse

LEAs may use SSAE funds for child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide:

- Age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse, and
- Information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child.<sup>65</sup>

### F. Reducing Exclusionary Discipline Practices

LEAs may use SSAE funds for designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that:

- Is consistent with best practices,
- Includes strategies that are evidence-based (to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available), and
- Is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services.<sup>66</sup>

### G. Positive Behavioral Interventions and Supports

LEAs may use SSAE funds to implement schoolwide positive behavioral interventions and supports.<sup>67</sup> This can include coordinating with similar IDEA activities to improve academic outcomes and school conditions for student learning.

### H. Resource Coordinator

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<sup>63</sup> Defined as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) available at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section7102&num=0&edition=prelim>.

<sup>64</sup> ESSA, Section 4108(5)(D).

<sup>65</sup> ESSA, Section 4108(5)(E).

<sup>66</sup> ESSA, Section 4108(5)(F).

<sup>67</sup> ESSA, Section 4108(5)(G).



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LEAs can use SSAE funds to designate a site resource coordinator to provide a variety of services like:

- Establishing partnerships within the community to provide resources and support for schools,
- Ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success, and
- Strengthening relationships between schools and communities.<sup>68</sup>

### I. Pay for Success

LEAs may use pay for success initiatives aligned with the goal of supporting safe and healthy students.<sup>69</sup>

A pay for success initiative is a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector.<sup>70</sup>

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<sup>68</sup> ESSA, Section 4108(5)(H)

<sup>69</sup> ESSA, Section 4108(5)(I).

<sup>70</sup> ESSA, Section 8101(40). More information about pay for success initiatives is available from ED at <http://www2.ed.gov/about/inits/ed/pay-for-success/index.html>.

### **Activities to Support the Effective Use of Technology**

LEAs may (and in some cases must<sup>71</sup>) use SSAE funds to improve the use of technology to improve the academic achievement, academic growth and digital literacy of all students.<sup>72</sup> Of the amount an LEA chooses to spend on technology, only fifteen percent may be used for technology infrastructure. Please see section above “Funding Floors and Ceilings” for more information about this fifteen percent cap.

Allowable activities are listed below.<sup>73</sup>

#### **A. Professional Learning**

LEAs may use SSAE funds to provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to:

- Personalize learning to improve student academic achievement,
- Discover, adapt, and share relevant high-quality educational resources,
- Use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies, and
- Implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning.<sup>74</sup>

#### **B. Technological Capacity and Infrastructure**

LEAs may use SSAE funds to build technological capacity and infrastructure, which may include:

- Procuring content and ensuring content quality, and
- Purchasing devices, equipment, and software applications in order to address readiness shortfalls.<sup>75</sup>

LEAs may not spend more than fifteen percent of the SSAE funds used for technology on technology infrastructure.<sup>76</sup>

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<sup>71</sup> LEAs that receive \$30,000 or more in SSAE funds must spend some SSAE funds on activities that support the effective use of technology. Section 4106(e)(2)(E).

<sup>72</sup> ESSA, Section 4109(a).

<sup>73</sup> For additional resources and tools to support LEAs in implementing these activities, see *ED 2016 SSAE Guidance*, pp. 46-47.

<sup>74</sup> ESSA, Section 4109(a)(1).

<sup>75</sup> ESSA, Section 4109(a)(2).

<sup>76</sup> ESSA, Section 4109(b).

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### C. Delivering Courses through Technology

LEAs may use SSAE funds to develop or use effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.<sup>77</sup>

### D. Blended Learning

LEAs may use SSAE funds to carry out blended learning projects, which must include:

- Planning activities like developing new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases (that do not include significant construction or renovation of facilities) (please note all technology infrastructure costs count towards the fifteen percent cap noted above), or
- Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.<sup>78</sup>

### E. Professional Development on Use of Technology in STEM Areas

LEAs may use SSAE funds to provide professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in STEM areas.<sup>79</sup>

### F. Access to Digital Learning Experiences

LEAs may use SSAE funds to provide students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.<sup>80</sup>

## III. **Other Spending Rules**

### A. Maintenance of Effort

LEAs that receive SSAE funds must comply with a maintenance of effort requirement.<sup>81</sup> In short, maintenance of effort requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

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<sup>77</sup> ESSA, Section 4109(a)(3).

<sup>78</sup> ESSA, Section 4109(a)(4).

<sup>79</sup> ESSA, Section 4109(a)(5).

<sup>80</sup> ESSA, Section 4109(a)(6).

<sup>81</sup> ESSA, Section 8521.

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### B. Supplement not Supplant

LEAs that receive SSAE funds must comply with a supplement not supplant requirement.<sup>82</sup> In general terms, this means that SSAE funds should add to (supplement) and not replace (supplant) state and local funds.

For the SSAE program, supplanting is presumed when:

- An LEA uses SSAE funds to pay for an activity that is required by federal, state or local law, or
- An LEA uses SSAE funds to pay for an activity it supported with state or local funds the prior year.<sup>83</sup>

An LEA may overcome a presumption of supplanting if it has written documentation (e.g., State or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the SSAE program funds.<sup>84</sup>

### C. Equitable Services

SSAE funds are subject to an equitable services requirement.<sup>85</sup> In short, this means LEAs must reserve funds to provide SSAE services to eligible private school children, teachers, and other educational personnel in private schools.<sup>86</sup>

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<sup>82</sup> ESSA, Section 4110.

<sup>83</sup> *ED 2016 SSAE Guidance*, p. 14.

<sup>84</sup> *ED 2016 SSAE Guidance*, p. 14

<sup>85</sup> ESSA, Section 4106(e)(2)(b); ESSA, Section 8501(b)(1)(D).

<sup>86</sup> *ED 2016 SSAE Guidance*, p. 13, in particular footnote 13. See also *ED 2016 Fiscal Changes Guidance*, Section P.